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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,287	01/25/2005	Hubert Sjoerd Blaauw	NL 020702	1506

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

ROE, JESSEE RANDALL

ART UNIT	PAPER NUMBER
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1793

MAIL DATE	DELIVERY MODE
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07/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation Sheet

Applicant's arguments filed 21 July 2008 have been fully considered but they are not persuasive.

First, the Applicant primarily argues that the Applicant's specification establishes the criticality of plasma-nitriding in a non-overlapping range of under 500°C in order to provide a type of steel that is both very hard and very well corrosion-resistant, while maintaining sufficient tensile strength.

In response, the Examiner first notes that Laurence et al. ('375) discloses that the plasma ion nitriding would occur at temperatures substantially below 1000°F (538°C) at all times, thus the temperatures of the nitriding processes of the instant invention and Laurence et al. ('375) would overlap. Second, the Examiner notes that Perkas (High-Strength Maraging Steels) discloses that the maraging steel would have a hardness in the range of 62-64 (page 422) and stress corrosion resistant (page 423) while maintaining a strength in the range of 180-190 kg/mm² (1765 MPa – 1863 MPa) (page 423) and thus it is unclear how the properties of the instant invention would distinguish from the properties of the maraging steel of Perkas.

Second, the Applicant primarily argues that the duration of the plasma-nitriding depends on the desired thickness of the hardened layer and the temperature used. Further the Applicant argues that the resulting HV for the stainless maraging steel so treated may be as high as 1500 HV with a Young Modulus in the compound layer increased by 20-25 percent compared to the base material and this cannot occur outside the critical range of not greater than 500°C.

In response, arguments of counsel cannot take the place of factually supported objective evidence. MPEP 2145.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessee Roe whose telephone number is (571) 272-5938. The examiner can normally be reached on Monday-Friday 7:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Roy V. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roy King/
Supervisory Patent Examiner, Art
Unit 1793

JR

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